

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	Criminal No. 05cr10168-DPW
DANIEL TUNNELL,)	
)	
Defendant.)	
_____)	

ASSENTED TO EMERGENCY MOTION
TO MODIFY CONDITIONS OF RELEASE

The defendant, Daniel Tunnell, hereby moves to modify his conditions of release to permit him to travel to Israel for a business meeting. The travel would begin today (November 28), and he would return on Thursday, December 1. If the Motion is allowed, Mr. Tunnell asks that Pretrial Services be authorized to release his passport to him today, to be returned by Mr. Tunnel within five days of his return to the United States.

1. Mr. Tunnell was released on personal recognizance following his plea of guilty to a charge of subscribing to a false tax return on August 24, 2005. He has complied with all conditions of release, and is not a flight risk.

2. Mr. Tunnell was required to surrender his passport by August 26, and complied with that requirement.

3. Mr. Tunnell is employed by TriRiga, and is urgently required to attend a sales meeting in Tel Aviv, Israel with a company called Finjan. As noted above, the trip will be quite brief – if authorized to travel by the court, Mr. Tunnell will leave for Tel Aviv this evening, and return on Thursday, December 1.

4. Mr. Tunnell believes that if he is not permitted to travel to Tel Aviv as requested, he likely will lose his job. Such a loss of employment would impair his ability to pay restitution to the Internal Revenue Service.

5. This request has been discussed with U.S. Pretrial Service Officer September Brown, who has been provided with Mr. Tunnell's itinerary.

6. Assistant U.S. Attorney Adam Bookbinder assents to this Motion.

Respectfully submitted,

DANIEL TUNNELL,
By his attorney,

/s/ Mark W. Pearlstein
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Dated: November 28, 2005